

**BEFORE THE STATE OF ARIZONA  
BOARD OF CHIROPRACTIC EXAMINERS**

<b>In the Matter of:</b>  <b>Jesus G. Bernal, D.C.</b>  <b>Holder of License No.: 6088</b> <b>For the Practice of Chiropractic</b> <b>In the State of Arizona</b>  <b>Respondent</b>	<b>Case No. 2018-001</b>  <b>FINDINGS OF FACT,</b> <b>CONCLUSIONS OF LAW AND</b> <b>ORDER FOR PROBATION</b>
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**INTRODUCTION**

On July 18, 2018, the Arizona Board of Chiropractic Examiners ("Board") convened to hold an Administrative Hearing. Assistant Attorney General Michael Raine represented the State. Respondent did not appear and was not represented by legal counsel. Assistant Attorney General Mary Williams, of the Licensing and Enforcement Section of the Attorney General's Office, appeared in person to provide independent legal advice to the Board. At issue was the State's Motion to Deem Allegations Admitted regarding the Complaint and Notice of Hearing in this matter and the imposition of the appropriate disciplinary action(s) pursuant to A.R.S. § 32-924. The Board, after considering the State's Motion, granted the Motion to Deem the Allegations Admitted and issued the following Findings of Fact, Conclusions of Law and Order:

**FINDINGS OF FACT**

1. The Board is the duly constituted authority for the regulation and control of the practice of Chiropractic in the State of Arizona.
2. Respondent is the holder of Arizona Chiropractic License No. 6088, PMMTP No. 3674, and Acupuncture No. 439.
3. On January 17, 2018, after a jury trial, Respondent was found guilty in Pima County Superior Court case number CR2017-2667-002 on three counts of fraudulent schemes and artifices, unlicensed practice of dentistry, conspiracy to commit fraudulent schemes and

artifices and to practice dentistry without a license, money laundering, and illegal control of an enterprise, all of which are felonies.

4. As is reflected in the conspiracy convictions, Respondent engaged in these illegal acts in cooperation with others.

5. On March 14, 2018, Respondent was sentenced to three years in prison.

6. Respondent's convictions relate to him having operated an unlicensed dental practice out of his medical office.

7. On information and belief, in addition to the risk that an unlicensed medical practice poses to the public, Respondent's unlicensed dental practice involved unsanitary and unsafe conditions for patients.

### **CONCLUSIONS OF LAW**

1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-900, et seq.

2. The conduct and circumstances in the Findings of Fact constitutes grounds for discipline pursuant to A.R.S. § 32-924(A)(5) ("Unprofessional or dishonorable conduct of a character likely to deceive or defraud the public or tending to discredit the profession.") Respondent's actions, described above, could provide the Board with sufficient factual basis to suspend or revoke Respondent's chiropractic license pursuant to A.R.S. § 32-924(G).

3. The conduct and circumstances in the Findings of Fact constitutes grounds for discipline pursuant to A.R.S. § 32-924(A)(6) ("Conviction of a misdemeanor involving moral turpitude or of a felony.") Respondent's actions, described above, could provide the Board with sufficient factual basis to suspend or revoke Respondent's chiropractic license pursuant to A.R.S. § 32-924(G).

4. The conduct and circumstances in the Findings of Fact constitutes grounds for discipline pursuant to A.R.S. § 32-924(A)(15) ("Any conduct or practice contrary to recognized standards in chiropractic or any conduct or practice that constitutes a danger to the health, welfare or safety of the patient or the public or any conduct, practice or condition that impairs the ability of the licensee to safely and skillfully practice chiropractic."). Respondent's actions, described above, could provide the Board with sufficient factual basis to suspend or revoke Respondent's chiropractic license pursuant to A.R.S. § 32-924(G).

5. The conduct and circumstances in the Findings of Fact constitutes grounds for discipline

1 pursuant to A.R.S. § 32-924(A)(16) ("Violating or attempting to violate, directly or indirectly,  
2 or assisting in or abetting the violation of or conspiring to violate any of the provisions of this  
3 chapter or any board order."), as it relates to A.A.C. R4-7-902(24) ("Having professional  
4 connection with, lending one's name to, or billing on behalf of an illegal practitioner of  
5 chiropractic or an illegal practitioner of any healing art.") Respondent's actions, described  
6 above, could provide the Board with sufficient factual basis to suspend or revoke Respondent's  
7 chiropractic license pursuant to A.R.S. § 32-924(G).

8 6. The conduct and circumstances in the Findings of Fact constitutes grounds for discipline  
9 pursuant to A.R.S. § 32-924(A)(16) ("Violating or attempting to violate, directly or indirectly,  
10 or assisting in or abetting the violation of or conspiring to violate any of the provisions of this  
11 chapter or any board order."), as it relates to A.A.C. R4-7-902(32) ("Committing a felony,  
12 whether or not involving moral turpitude, or a misdemeanor involving moral turpitude.  
13 Conviction by a court of competent jurisdiction or a plea of no contest is conclusive evidence of  
14 the commission." ). Respondent's actions, described above, could provide the Board with  
15 sufficient factual basis to suspend or revoke Respondent's chiropractic license pursuant to  
16 A.R.S. § 32-924(G).

### 17 **ORDER**

18 Based upon the above Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED:**

- 19 1. Chiropractic License No. 6088 issued to Respondent to practice chiropractic in the State  
20 of Arizona is **REVOKED**.
- 21 2. Within 60 days of the effective date of this Order, Respondent shall return the ornamental  
22 license, PMMTP certificate No. 3674 , and Acupuncture certificate No. 439 to the Board.

23 **NOTICE:** This Order constitutes a formal decision and order of the Board. If the  
24 Respondent desires to challenge the Order, Respondent shall file a written motion for rehearing  
25 with the Board's Executive Director within thirty (30) days after service of the Order. Service  
26 of the Order is effective five days after the date of mailing to Respondent. Under A.A.C.  
27 R4-7-305 (C), the motion for rehearing must state with specificity the grounds for rehearing.  
28 Failure to file a motion for rehearing or review has the effect of prohibiting judicial review of  
the Board's Order, according to A.R.S. § 41-1092.09 (B) and A.R.S. § 12-904 et seq.

This Order shall be effective and in force upon the expiration of the above time period

for filing a motion for rehearing or review with the Board.

**DATED AND EFFECTIVE** this 30<sup>th</sup> day of August, 2018.



STATE OF ARIZONA BOARD OF  
CHIROPRACTIC EXAMINERS

*James Badge, D.C.*

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James Badge, D.C., Chairman  
State of Arizona Board of  
Chiropractic Examiners

**Original** of the foregoing filed this 25<sup>th</sup> day of July, 2018 with:

State of Arizona Board of Chiropractic Examiners

1740 West Adams Street, Suite 2430

Phoenix, Arizona 85007

**Executed Copy** of the foregoing mailed by U.S. certified mail & emailed  
this 25<sup>th</sup> day of July, 2018, to:

Jesus G. Bernal, D.C.

Address of Record

*Respondent*

Certificate No. 7015 3430 0000 3430 4746

Sent electronically to:

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